

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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| EDWARD G. RAHLL & SONS, INC., | : | CIVIL ACTION NO. 1:08-CV-1384 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| | : | |
| v. | : | |
| | : | |
| SHAWN ZACH and KIM ZACH, | : | |
| d/b/a ZACH'S PRODUCE | : | |
| | : | |
| Defendants | : | |

ORDER

AND NOW, this 9th day of December, 2008, upon consideration of the order of court (Doc. 35) dated November 20, 2008, which required defendants to produce certain business records on or before December 4, 2008, and upon further consideration of the status report (Doc. 38) received from plaintiff's counsel on December 8, 2008 representing that no such production has been made, and of the facsimile transmission received from defendant's bankruptcy counsel on the same date, which contains bank statements, a profit and loss summary for January 1 through December 1, 2008, and records of defendants' customer receipts, it is hereby ORDERED that:

1. **No later than 5:00 p.m. on December 11, 2008**, plaintiff's counsel shall apprise the court of plaintiff's position regarding the recently produced documents. If plaintiff believes that the documents satisfy defendant's production obligation, plaintiff's counsel shall file a certificate in accordance with Paragraph 4 of the order of court (Doc. 35) dated November 20, 2008. If plaintiff contends that the documents fail to do so, plaintiff's counsel shall file a responsive memorandum setting forth the rationale for plaintiff's position.
2. Upon receipt of the filing required by Paragraph 1, the court may either enter an order purging defendants of their contempt or take such other action as it deems appropriate.
3. The Clerk of Court is instructed to docket the materials transmitted to the court by defendant's bankruptcy counsel. The bank statements, which contain defendant Shawn Zach's account number, shall be SEALED in accordance with Rule 5.2(e) of the Local Rules of Court. See also FED. R. CIV. P. 5.2(d). The remaining documents shall not be sealed.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge